

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In Re:

Chapter 7 case

Prisana O. Nelson,

BKY 04-42991(RJK)

Debtor.

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**DEBTOR'S RESPONSE TO TRUSTEE'S SECOND  
OBJECTION TO HOMESTEAD EXEMPTION**

The Trustee has filed a second objection to the Debtor's claim of homestead objection, for the stated purpose of seeking clarification whether the legal description set out on the Debtor's amended Schedule C, filed August 27 of this year, exceeds the statutory one-half acre limit of Minn. Stat. Ch. 510.

Debtor's husband, Rodney Nelson, who is an attorney, has procured a surveyor's certificate attesting that the legal description in the amended exemption schedule describes a parcel of 21,780 square feet, or exactly one-half acre.

Mr. Nelson's Declaration dated September 27, 2004, is submitted herewith, along with the surveyor's certificate.

Accordingly, Debtor believes that there is no question that the amended exemption is proper, and moves that the Court deny the motion.

Dated: October 3, 2004

**THOMAS F. MILLER, P.A.**

BY **/E/ THOMAS F. MILLER**

Thomas F. Miller, Lic. No. 73477

130 Lake Street West

Wayzata, MN 55391

Tel.: (952) 404-3896

Fax: (952) 404-3893

Email: [Thomas@Millerlaw.com](mailto:Thomas@Millerlaw.com)

**UNSWORN DECLARATION FOR PROOF OF SERVICE**

I, the undersigned Thomas F. Miller, hereby declare under penalty of perjury that on October 3, 2004, I served the within Response upon the following, by sending copies thereof by first class mail, postage prepaid, to them at the following addresses:

Office of the United States Trustee  
1015 United States Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

And upon

Julia A. Christians, Trustee  
120 South Sixth Street, #2500  
Minneapolis, MN 55402

And also by email to: JChristians@lapplibra.com

**/e/ Thomas F. Miller**  
Thomas F. Miller, Lic. 73477

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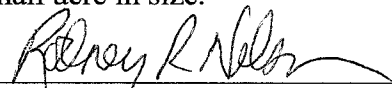
BKY 04-42991(RJK)

DECLARATION OF RODNEY R. NELSON

Rodney R. Nelson, under penalty of perjury, states:

1. I am the husband of the debtor. I am also an attorney at law licensed in the State of Minnesota. I make this statement under the penalty of perjury.
2. I make this affidavit in response to the trustee's motion objecting to claimed exempt property. I am the co-owner of the homestead.
3. On July 28, 2004, the court gave the debtor 30 (thirty) days to designate as homestead property a portion of the real property not to exceed one-half acre in size.
4. On August 18<sup>th</sup>, I met with and hired Hy-Land Surveying, P.A. to obtain legal descriptions to comply with the court's order. Hy-Land Surveying, P.A. was the original surveyor of the real estate.
5. At that time, Mr. Milton Hyland advised me that my lot was 25,055 square feet. Previously the City of Blaine had told me that the lot was about 25,700 square feet. Trustee's exhibit "A" relies on the erroneous figures that were supplied to me by the city officials.
6. Using the incorrect square footage (25,700), the non-exempt portion would be a strip of land about 18 (eighteen) feet wide, the majority of which is utility and drainage easement. Using the correct square footage, (25,055), the surveyor states the non-exempt portion is a strip of land 14.91 (fourteen point nine one) feet wide, the majority of which is drainage and utility easement.
7. The surveyor's certificate previously filed with the court clearly shows that the debtor's homestead exemption to be one-half acre in size.

DATED: September 27, 2004



Rodney R. Nelson

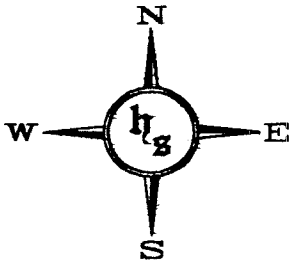
# HY-LAND SURVEYING, P.A.

LAND SURVEYORS

8700 Jefferson Highway  
Osseo, Minnesota 55369  
(763)493-5761

INVOICE NO. \_\_\_\_\_  
F.B. NO. \_\_\_\_\_  
SCALE 1"= 50'

Property located in  
part of Section \_\_\_\_\_  
Township \_\_\_\_\_ Range \_\_\_\_\_



## Surveyors Certificate

NOTE: PROPERTY CORNERS  
SET BY DEVELOPERS SURVEYOR

ROD NELSON

PARCEL A (3,275 Square Feet)

The north 14.91 feet of Lot 10, Block 8, OLYMPIC GLEN, Anoka County, Minnesota, according to the duly recorded plat thereof.

PARCEL B (21,780 Square Feet)

Lot 10, Block 8, OLYMPIC GLEN, Anoka County, Minnesota, according to the duly recorded plat, except the North 14.91 feet thereof.

The only easements shown are from plats of record of information provided by client.

I hereby certify that this survey was prepared by me or under my direct supervision, and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Surveyed by us this 10th day of August, 2004

Signed

  
Milton E. Hyland, Minn. Reg. No. 20262